

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ALEXANDER STYLLER, INTEGRATED)
COMMUNICATIONS & TECHNOLOGIES,)
INC., JADE CHENG, JASON YUYI, CATHY)
YU, CAROLINE MARAFAO CHENG,)
PUSHUN CHENG, CHANGZHEN NI,)
JUNFANG YU, MEIXIANG CHENG,)
FANGSHOU YU, and CHANGHUA NI,)
Plaintiffs,) **Civil Action No. 1:16-CV-10386 (LTS)**
v.)
HEWLETT-PACKARD FINANCIAL)
SERVICES COMPANY, HEWLETT-PACKARD)
FINANCIAL SERVICES (INDIA) PRIVATE)
LIMITED, HP INC., HEWLETT PACKARD)
ENTERPRISE COMPANY, and DAVID GILL,)
Defendants.)

[TRANSLATED] AFFIDAVIT OF MALI

I, Ma Li, hereby declare under the penalty of perjury as follows.

INTRODUCTION & QUALIFICATIONS

1. Name: Ma Li, Nationality: China, Gender: female, Date of birth: December 26, 1978, Nation: Han, Birthplace: Weinan city, Shanxi province, Registered residence: Hangzhou city, Zhejiang province, Place of residence: Haidian district, Beijing, Profession: lawyer, Education: undergraduate, Academic degree: bachelor of economics.

2. The issuer works in Zhonglilong Law Firm and has been engaged in professional lawyer work more than eight years. In 2015, the issuer has dealt with all kinds of lawsuits more than 70 and provides a variety of non-litigation services. The issuer at present mainly provides legal services for more than 30 companies about intellectual property.

3. The issuer participated and passed the national judicial examination of the People's Republic of China in 2006. In February 2007, the issuer acquired the *Legal*

Qualification Certificate issued by the ministry of justice, certificate number: A20063301032557 (see appendix 1). From 2007 to 2008, the issuer had internship in Beijing Botian Law Firm for one year. After internship period, the issuer applied for the lawyer qualification and obtained the operating license and lawyer's practice certificate (see appendix 2), the license number: 11101200811158314. The annual assessment of lawyer's practice certificate should be carried out every year for the record. From 2008-2016, the issuer passed the annual assessment and finished the record. In May 2016, the annual lawyer's assessment from June 2015 to May 2016 was completed, and the result of the assessment is competent. The record time is: from June 2016 - May 2017.

4. The issuer acquired the *Legal Profession Qualification Certificate* and *Lawyer's Practice Certificate* and the above certificates are authentic, legal and effective. The above-mentioned valid documents are acquired in accordance with the law. According to the article 10 of chapter 2 of China Lawyer Law, the issuer working in China is not subject to regional restrictions. The issuer can agent all levels and kinds of criminal, civil and commercial cases or arbitration cases etc. belonging to the jurisdiction of the courts. At present, there are no laws in China to set up the restrictions or conditions on lawyers dealing with different levels of cases under the jurisdiction of the courts.

CONSULTING AND REPLY

5. **Question 1:** China Citizens, China Companies, Foreigners, Foreign companies -- if anyone makes report to the police, and/or provides statements, and/or expert report (1 time and/or multiple times) to the police and prosecutor, what rules and responsibilities do China Laws request they must obey?

6. **Question 2:** China Citizens, China Companies, Foreigners, Foreign companies -- if anyone makes false report to the police, and/or provide false statement, and/or false expert report (1 time and/or multiple times) to the police and prosecutor, what criminal and civil responsibilities do China Laws provide?

7. **Answers to Question 1:** Based on China Laws, the related laws listed below, when providing proof to China Police, the following rules must be obeyed.

8. (A) CRIMINAL PROCEDURE LAW OF THE PEOPLE'S REPUBLIC OF CHINA:

9. Article 48: All facts that prove the true circumstances of a case shall be evidence. Evidence:

- (1) material evidence;
- (2) documentary evidence;
- (3) testimony of witnesses;
- (4) statements of victims;
- (5) statements and exculpation of criminal suspects or defendants;
- (6) expert conclusions;
- (7) records of inquests and examination; and
- (8) audio-visual materials.

Any of the above evidence must be verified before it can be used as the basis for deciding cases.

10. Article 52: A people's court, a people's procuratorate, and a public security authority shall have the authority to gather or require submission of evidence from the relevant entities and individuals. The relevant entities and individuals shall provide true evidence. Physical evidence, documentary evidence, audio-visual recordings, electronic data, and other evidence gathered by an administrative authority in the process of law enforcement and case investigation may be used as evidence in criminal procedures. Evidence involving any state secret, trade secret, or personal privacy shall be kept confidential. Whoever forges, conceals, or destroys evidence must be subject to legal liability, without regard to which party owns the evidence.

11. Article 60: Any person who has information regarding a case shall have the obligation to testify. A physically or mentally handicapped person or a minor who cannot distinguish between right and wrong or cannot correctly express themselves shall not serve as a witness.

12. Article 118: When interrogating a criminal suspect, the investigation shall first ask the criminal suspect whether he or she has committed any criminal act, allow him or her to state the facts of a crime or explain his or her innocence, and then ask him or her questions. The criminal suspect shall truthfully answer the questions of the investigators, but have the right to refuse to answer questions irrelevant to the case.

13. Article 123: When a witness is interviewed, the witness shall be informed of the requirement of truthfully providing evidence and testimony and the legal liability for perjury or concealing criminal evidence.

14. Article 135: Any entity or individual shall have the obligation to hand in physical evidence, documentary evidence, audio-visual recordings, and other evidence which may prove the guilt or innocence of a criminal suspect as required by the people's procuratorate or public security authority,

15. Article 145: After completion of identification or evaluation, an identification or evaluation expert shall prepare a written expert opinion and sign it. An identification or evaluation expert who intentionally conducts false identification or evaluation shall be subject to legal liability.

16. Article 189: Before a witness takes the stand, a judge shall inform the witness of the requirement of truthfully providing testimony and the legal liability for perjury or concealing criminal evidence. The public prosecutor or a party concerned or the defender or agent ad litem thereof may, with the permission of the presiding judge, question a witness or an identification or evaluation expert. Deeming a question irrelevant to the case, the presiding judge shall prohibit the question. A judge may question a witness or an identification or evaluation expert.

17. (B) CIVIL PROCEDURE LAW OF THE PEOPLE'S REPUBLIC OF CHINA

18. Article 63: Evidence:

- (1) statements of parties
- (2) documentary evidence;
- (3) physical evidence;
- (4) audio-visual material;
- (5) electronic data
- (6) testimony of witness;
- (7) conclusions of expert witnesses;
- (8) transcripts of inspection and examination.

Any of the above-mentioned evidence must be verified before it can be taken as a basis for finding a fact.

19. Article 67: The people's court shall have the authority to obtain evidence from any relevant entities or individuals, and such entities or individuals may not refuse to provide evidence.

20. Article 72: All entities and individuals who have information about a case shall have the obligation to testify in court. The responsible persons of relevant entities shall encourage the witnesses to give testimony. Any person who is incapable of expressing his opinion properly shall not testify.

21. (C)INTERPRETATIONS OF THE SUPREME PEOPLE'S COURT ON APPLICATION OF THE CIVIL PROCEDURAL LAW OF THE PEOPLE'S REPUBLIC OF CHINA.

22. Article 119: The people's court shall inform witnesses that they shall testify on the basis of facts as well as the legal consequences of giving false testimony in advance of their appearance in court, and instruct them to sign the pledge, but excluding people without or with limited capacity for civil conduct. The witness to sign a pledge applies to the provisions of this explanation about the parties signing a pledge.

23. (D)ADMINISTRATIVE PROCEDURE LAW OF THE PEOPLE'S REPUBLIC OF CHINA:

24. Article 33: Evidences:

- (1) documentary evidence
- (2) material evidence;
- (3) audio-visual materials;
- (4) electronic data;
- (5) testimony of witnesses;
- (6) statements of parties;
- (7) expert conclusions; and
- (8) records of inquests and examination made on the scene;

Any of the above evidence must be verified before it can be used as the basis for deciding cases.

25. Article 40: The people's court shall have the authority to obtain evidence from the relevant administrative organs, other organizations or citizens.

26. (E)RULES OF THE SUPREME PEOPLE'S COURT ON SOME ISSUES OF THE ADMINISTRATIVE LITIGATION EVIDENCE.

27. Article 41: Anyone who knows the case facts have the obligation to testify.

28. Article 45: When the witness goes to court to testify, he shall show certificates to prove his identity. The court shall inform him the legal responsibility to be honest to testify and legal obligations of perjury.

29. Article 47: When the party requires the expert witness to appear in the court to accept inquiry, the expert witnesses should appear in court. Expert witnesses can choose not to appear in court with the approval of court if there are legitimate reasons. The written conclusion can be cross examined by the party. The legitimate reasons why the expert witness cannot appear in court refer to the provisions of article 41. For expert witness to appear in court for questioning, the court shall verify the identity, the relationship with the party and this case, inform the expert witness the legal obligations of telling the appraisal truthfully and the legal responsibility of intentionally telling the false statements.

30. **Answer to Question 2.** When citizens violate the rules of providing evidence based on facts, providing false evidence (whether voluntarily submitted or submitted when surveyed) one or multiple times to public security, procuratorates, courts, intending to make others to be investigated for criminal responsibility, this constitutes the behavior of infringing citizens' personal rights and impairing the normal judicial activities. This behavior is suspected to constitute the criminal responsibility stipulated by *Criminal Law*.

31. Within China territory, a person who provides false statements or verification report to the public security, procuratorate or court, as long as it belongs to the behavior of making up crime facts, fabricating evidence, reporting to the public security and judicial organizations etc, intending to make others investigated for criminal responsibility, the behavior is enough to or already caused criminal investigation by public security and judicial activity (including but not limited to criminal cases registered, investigation, criminal detention, arrest, prosecution, trial, etc.), is suspected to constitute crime of false accusation stipulated in

Criminal Law.

32. Within China territory, the person providing false statements or verification report to public security, procuratorate or court, as long as during the course of criminal procedure that witnesses and expert witnesses etc. purposely make false testimony and expert evaluation with an intention to frame others or conceal criminal evidence in the circumstances is suspected to constitute crime of perjury stipulated in Criminal Law.

33. That a person has no intention of making others investigated for criminal responsibility but provides false evidence and obstruct the normal judicial activity is suspected to constitute crime of impairing to bear witness, helping destroy or forging evidence, false litigation, defenders and agents ad litem destroying, forging evidence, impairing to bear witness stipulated in Criminal Law.

34. EXPLANATION ON THE ABOVE CHARGES, PROVISIONS OF *CRIMINAL LAW* AND CRIMINAL RESPONSIBILITY:

35. Crime of false accusation: Provisions of *Criminal law* and the punishment of crime of false accusation, Chapter 4 of the second special provisions: crimes of infringing upon the rights of the person and the democratic right:

36. Article 243: Whoever invents stories to implicate another person with the intention of having him investigated for criminal responsibility, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; if the consequences are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years. Workers of state organs committing crimes stipulated in the above paragraph are to be severely punished.

37. Concept of crime of false accusation: Crime of false accusation means serious behaviors of intentionally fabricating criminal facts, reporting to the state organs such as public security, judicial organs and relevant entities, and intending to make others to be investigated for criminal responsibility.

38. The crime constitution of false accusation: The object of the crime is the normal activities of citizens' personal rights and of judicial organs. Fabricating facts, forging evidence and making a false report or exposing will make the framed person identified, judged or sentenced by mistake. Therefore, the crime not only infringes upon the citizens' personal

rights, makes the damage to the reputation of the innocent, but also leads to serious consequences such as wrong arrest and judgment and death, causes false and mishandled case, interferes with the normal activities of judicial organs, and destroys the authority of judicial organs. So article 38 of constitution, and article 243 of Criminal Law stipulate that it is forbidden for any parties to make false accusation on citizens. Though the crime may also infringes both the citizens' personal rights and the normal activities of judicial organs, but it more or mainly emphasizes protection of the citizens' personal rights, therefore, this charge is compiled in chapter 4 of the second special provision in criminal law of infringement of citizens' personal rights and democratic rights but not in chapter 6 part 2 of the second special provision of Criminal Law about crime of obstruction of justice.

39. Objective aspect of this crime is characterized by false facts and report. First of all, there must be behavior of fabricated criminal facts, and fabricating general discipline and illegal facts do not constitute this crime. Fabrication is something from nothing, making up others' criminal facts and exaggeration of criminal facts. Their common ground is against objective truth and fabricating false criminal facts. Secondly, there must be prosecution behavior, that is, reporting to the relevant state organs or units concerned, or other ways to cause public security and judicial organs investigating for criminal responsibility. As long as the false report content and the way of report is enough to cause criminal investigation activities (including but not limited to criminal detention, arrest, registering procedure of crimes, investigation, prosecution, trial etc.), it shall be considered that the circumstances are serious; the false accusation that is not enough to cause criminal investigation activity shall be considered minor, without punishment.

40. The behavior object of this crime is others, namely, a specific, concrete, real natural person, and if there is no specific object, it cannot lead judicial organs for criminal investigation and it shall not offend anyone's human rights either. But there is no requirement on the specific details such as name of the specific object, and as long as the person can make judicial organs confirm a certain object in some way, it meets the requirements of this crime.

41. The main body of this crime is general subject. As long as a person have reached the legal age with criminal responsibility ability, he or she can become the subject of this crime. But a state functionary who commits this crime shall be given a heavier punishment.

42. The main condition of this crime is deliberation, namely, the person knows that the criminal facts reported are false, the false accusations infringes others' human rights and hope or indulge the happening of the result. At the same time there must be the purpose(intention) of making others investigated for criminal responsibility, but that this purpose is the only or main purpose of the person is not required, as long as the person has this purpose. "Intending to make others investigated for criminal responsibility" is not equal to intending to bring others criminal punishment. Although the person knows that the actions may not result in criminal punishment, if he knows that the actions will result in criminal detention, arrest etc, and intending to make others investigated as the criminal suspect, that shall also be considered "intending to make others investigated for criminal responsibility."

43. The involved charges are stipulated in the chapter 6 of the second special provisions for crimes of disrupting the order of social administration and section 2 crimes of disrupting justice, namely article 305 to 307 in Criminal Law.

44. **Perjury:** Provisions of *Criminal Law* and punishment of perjury:

45. Article 305:If, in criminal proceedings, a witness, expert witness, recorder or interpreter intentionally gives false testimony or makes a false expert evaluation, record or translation concerning the circumstances that have an important bearing on a case, in order to frame another person or conceal criminal evidence, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

46. Concept of perjury: During the course of criminal procedure, if any witness, expertness witness, recorders, translator who purposely makes false testimony, makes expert evaluation, records, translate with an intention to frame others or conceal criminal evidence in the circumstances which have an important bearing on a case, it constitutes perjury.

47. The crime constitution of perjury:The object of the crime is the normal activities of judicial organs. Though the crime may also infringe citizens' personal rights and the normal activities of judicial organs, it more or mainly emphasizes protection of the normal activities of judicial organs.

48. Objective aspect of this crime is seen in the course of criminal procedure, and the

person who makes expert evaluation, records, translate with an intention to frame others or conceal criminal evidence in the circumstances which have an important bearing on a case. Behavior way has four kinds, namely to make expert evaluation, records, translation, and the so-called "false" means something from nothing, fabricating criminal facts or evidence, or covering the criminal facts, and not providing or reflecting the fact that shall be provided or reflected. "False" generally includes two cases: one is to fabricate or exaggerate facts; the other is to cover up or narrow the facts to justify crimes. There is no limit on the way of perjury behavior, such as making false statements in oral presentation, making a false verification in identification of text, not recording or adding important facts without authorization, removing the important facts recorded in the tapes and making a false translation in translation or interpretation, etc. Actions must be aimed at making false statements, expert evaluation, records and translation which have an important bearing on a case and this case is limited to criminal cases. Having important relationship with the plot of the case refers to the plot that has an influence on the case conclusion and have important relationship on whether the case constitutes a crime, the nature of the crime, the seriousness of the crime and measurement of penalty. It is enough as long as perjury behavior has the potential to affect the conclusions, actually affecting the case is not required. Action time must be in the course of criminal procedure, namely from making a recording, investigation, prosecution, trial, second trial to the end of court trial (case of public prosecution), or from the prosecutor initiating the public prosecution to the end of court trial (case of private prosecution).

49. The main body of this crime is a special subject, and they can be only the witness, expert witness, recorder and translator in criminal procedure. Whether witness of main body of the behavior includes the victim is controversial among the theoretical circle. The issuer thinks witness of main body of the behavior shall include the victim, and the victim statements and the testimony of witnesses are evidences, and the victim may do the false statement, so there is risk of impairing judicial impartiality.

50. This crime must be intentional in the subjective aspect, also requires the intentions of framing others or concealing criminal evidence. However, as long as the person knows he or she made a false statement, the person will be regarded as having the above intentions. With respect to making testimony not consistent with the facts due to unclear memory, expert witnesses making

wrong identification due to the technology problem, the recorder making incorrect or failed record due to carelessness, and translator making errors and omissions due to low level don't constitute this crime.

51. **Crime of impairing to bear witness:** Provisions of *Criminal Law* and punishment:

52. Article 307: Whoever, by violence, threat, bribery or any other means, obstructs a witness from giving testimony or instigates another person to give false testimony shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years. Any judicial officer who commits any of the crimes mentioned in the preceding two paragraphs shall be given a heavier punishment.

53. Concept: Crime of impairing to bear witness refers to methods such as violence, threat, bribe to instigate others to commit perjury.

54. Crime Constitution: The object of this crime is the normal litigation activities of judicial organs. The objective aspect of this crime is the behavior through the methods such as violence, threat, bribe to prevent witnesses or instigate others to commit perjury. The behavior is in or out the process of litigation, and the litigation includes both criminal proceedings and civil and administrative litigation. The main body of this crime is general subject. The subjective aspect of the crime is deliberation.

55. **Crime of aiding to destroy or fabricate evidence:** Provisions of *Criminal Law* and punishment:

56. Article 307: Whoever helps any of the parties destroy or forge evidence, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention. Any judicial officer who commits any of the crimes mentioned in the preceding two paragraphs shall be given a heavier punishment.

57. Concept: Crime of aiding to destroy or fabricate evidence refers to the serious behavior of assisting in destroying and fabricating evidences.

58. Crime constitution: The object of this crime is the normal activities of judicial organs. The objective aspect of this crime is serious behavior that the person helps the parties destroy or forge evidence. The person not only refers to the parties in criminal action but also

includes the parties of civil and administrative litigation. The main body of this crime is general subject. The subjective aspect of the crime is deliberation.

59. False lawsuit(according to Amendment to Criminal Law(9) the 35 edition):

Provisions of Criminal Law and punishment:

60. Article 307: The person filing a civil lawsuit with fabricated facts, and infringing judicial order or seriously infringing upon the lawful rights and interests of others shall be sentenced to 3 years or fewer in prison, or put under criminal detention or surveillance with penalty or only penalty; those with serious circumstance are to be sentenced to 3 to 10 years in prison with penalty.

61. If an entity commits the crime, it shall be fined and the person in charge with direct responsibility and other persons with direct responsibility shall be punished in accordance with the provisions of the preceding paragraph.

62. Concept: False lawsuit refers to the behavior of filing a civil lawsuit with fabricated facts, and infringing judicial order or seriously infringing upon the lawful rights and interests of others.

63. Crime constitution: The object of this crime is the normal activities of judicial organs, and it also infringes others' lawful rights and interests, for example property interests and others. This crime in the objective aspect is seen in filing a civil lawsuit with fabricated facts, infringing judicial order or seriously infringing upon the lawful rights and interests of others a. The main body of this crime is general subject. The entity can also become the subject of this crime. The subjective aspect of crime is deliberation.

64. Defender, crimes of law agent destroying, falsifying evidence, and impairing to bear witness: Provisions of Criminal Law and punishment:

65. Article 306: If, in criminal proceedings, a defender or agent ad litem destroys or forges evidence, helps any of the parties destroy or forge evidence, or coerces the witness or entices him into changing his testimony in defiance of the facts or give false testimony, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not where a witness's testimony or other evidence provided, shown or quoted by a defender or agent ad litem is inconsistent with the facts but is not forged intentionally, it shall

not be regarded as forgery of evidence.

66. Concept: Defenders and agents ad litem destroying evidence, fabricating evidence, and impairing to bear witness refers to the behavior of defenders and agents ad litem destroying evidence, fabricating evidence, helping the parties destroy evidence, fabricate evidence, threaten, seduce the witness to change testimony or give false testimony against the facts in the course of criminal procedure.

67. Crime constitution: The object of this crime is the normal criminal litigation activities of judicial organs. This objective aspect has three kinds of situations: destroy evidence, fabricate evidence; help the parties destroy evidence, fabricate evidence; threaten, seduce the witness to change testimony. The main body of this crime is a special subject, namely, the defender and agents ad litem. The subjective aspect of crime is deliberation.

68. About the common elements of the crime constitution: four elements are generally accepted by China's criminal law field. According to China's criminal law, the establishment of any kind of crime must have the components of the four aspects, namely, criminal object, crime objective aspect, crime subject and subjective aspect of crime. Criminal object refers to the social relations violated by crimes under the protection of criminal law; the objective aspects of crime refers to the behavior of crime damaging society objectively and the result caused by the behavior stimulated in the criminal law; crime subject refers to the person that commits the crime and should bear criminal liability in accordance with the law, including natural persons and entities; the subjective elements of crime refers to the mental attitude held by crime subject on the damaging society behavior and the result.

69. Citizens that violate the obligations of providing evidence based on facts, provide false evidence to the public security one or multiple times, fabricate criminal facts, makes a false report to lead to the criminal investigation, long time detention by mistake and loss of personal freedom, infringe on innocent people's right of personal liberty, dignity and reputation etc. shall bear the corresponding civil liability. Methods of bearing civil liability generally include rehabilitating reputation, eliminating the ill effects, compensating for the losses, and the infringed can require compensation for mental damage.

70. In China *Constitution Law* and the *General Principles of the Civil Law*, the provisions on protecting human rights, the corresponding civil liability that shall be shouldered,

and the methods of bearing civil liability are as follows:

71. (A) CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA:

72. Article 37 Item 1 and 3: Freedom of the person of citizens of the People's Republic of China is inviolable. Unlawful detention or deprivation or restriction of citizens freedom of the person by other means is prohibited, and unlawful search of the person of citizens is prohibited.

73. Article 38: The personal dignity of citizens of the People's Republic of China is inviolable. Insult, libel, false accusation or false incrimination directed against citizens by any means is prohibited.

74. Article 51: Citizens of the People's Republic of China, in exercising their freedoms and rights, may not infringe upon the interests of the state, of society or of the collective, or upon the lawful freedoms and rights of other citizens.

75. (B) GENERAL PRINCIPLES OF THE CIVIL LAW OF THE PEOPLE'S REPUBLIC OF CHINA:

76. Article 5: The lawful civil rights and interests of citizens and legal persons shall be protected by law; no organization or individual may infringe upon them.

77. Article 101: Citizens and legal persons shall enjoy the right of reputation. The personality of citizens shall be protected by law, and the use of insults, libel or other means to damage the reputation of citizens or legal persons shall be prohibited. The civil liability that shall be shouldered if infringing others' human rights, and the rules of methods of bearing civil liability.

78. Article 120: If a citizen's right of personal name, portrait, reputation or honor is infringed upon, he shall have the right to demand that the infringement be stopped, his reputation be rehabilitated, the ill effects be eliminated and an apology be made; he may also demand compensation for losses.

79. Article 110: Citizens or legal persons who bear civil liability shall also be held for administrative responsibility if necessary. If the acts committed by citizens and legal persons constitute crimes, criminal responsibility of their legal representatives shall be investigated in accordance with the law.

80. Article 134: The main methods of bearing civil liability shall be:

(1) cessation of infringements;

- (2) removal of obstacles;
- (3) elimination of dangers;
- (4) return of property;
- (5) restoration of original condition;
- (6) repair, reworking or replacement;
- (7) compensation for losses;
- (8) payment of breach of contract damages;
- (9) elimination of ill effects and rehabilitation of reputation; and
- (10) extension of apology.

The above methods of bearing civil liability may be applied exclusively or concurrently.

81. When hearing civil cases, a people's court, in addition to applying the above stipulations, may serve admonitions, order the offender to sign a pledge of repentance, and confiscate the property used in carrying out illegal activities and the illegal income obtained therefrom. It may also impose fines or detentions as stipulated by law.

82. (C) INTERPRETATION OF THE SUPREME PEOPLE'S COURT ON SOME ISSUES OF THE COMPENSATION FOR MENTAL INJURY AND LIABILITY:

83. Article 1: If a natural person brings a suit in a people's court applying for compensation for mental damage because the personality rights are infringed, the people's court shall accept it according to law:

- (1) the right of life, health and body;
- (2) the right of name, portrait, reputation and honor;
- (3) the right of human dignity and personal freedom.

The above paragraph shall also apply to infringements upon a legal person's right of name, reputation or honor.

84. Violating the obligations of providing evidence, providing false evidence to the public security, procuratorate and court(whether voluntarily submitted or submitted when surveyed) belongs to the behavior of providing false evidence, impairing the normal activity of the judicial organs. The provisions on the legal liability(including but not limited to criminal liability, administrative liability and judicial detention and fines etc.) of this crime or illegal behavior in*China's Criminal Law, Administrative Procedure, the Civil Procedure Law* and other laws are generally summed up as follows:

85. (A) CRIMINAL LAW OF THE PEOPLE'S REPUBLIC OF CHINA:

86. Chapter 4 of the second special provisions: Crimes of infringing upon the rights of the person and the democratic rights of citizens:

87. Article 243: Whoever invents stories to implicate another person with the intention of having him investigated for criminal responsibility, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; if the consequences are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

88. Chapter 6 of the second special provisions: Crimes of disrupting the order of social administration; Crimes of disrupting justice:

89. Article 305: If, in criminal proceedings, a witness, expert witness, recorder or interpreter intentionally gives false testimony or makes a false expert evaluation, record or translation concerning the circumstances that have an important bearing on a case, in order to frame another person or conceal criminal evidence, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

90. Article 307: Whoever, by violence, threat, bribery or any other means, obstructs a witness from giving testimony or instigates another person to give false testimony shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years. Whoever helps any of the parties destroy or forge evidence, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention. Any judicial officer who commits any of the crimes mentioned in the preceding two paragraphs shall be given a heavier punishment.

91. Article 307: The person filing a civil lawsuit with fabricated facts, and infringing judicial order or seriously infringing upon the lawful rights and interests of others shall be sentenced to 3 years or fewer in prison, or put under criminal detention or surveillance with penalty or only penalty; Those with serious circumstance are to be sentenced to 3 to 10 years in prison with penalty. If an entity commits the crime, it shall be fined and the person in charge with direct responsibility and other persons with direct responsibility shall be punished in

accordance with the provisions of the preceding paragraph.

92. Article 306: If, in criminal proceedings, a defender or agent ad litem destroys or forges evidence, helps any of the parties destroy or forge evidence, or coerces the witness or entices him into changing his testimony in defiance of the facts or give false testimony, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years. Where a witness's testimony or other evidence provided, shown or quoted by a defender or agent ad litem is inconsistent with the facts but is not forged intentionally, it shall not be regarded as forgery of evidence.

93. (B) CIVIL PROCEDURE LAW OF THE PEOPLE'S REPUBLIC OF CHINA

94. Article 111: If a participant in the proceeding or any other person commits any of the following acts, the people's court may fine and detain him according to the seriousness of offense; if a crime is constituted, his criminal responsibility shall be investigated:

- (1) Forge, destroy important evidence, hinder the people's court cases;
- (2) Stops a witness to testify or instigates others to make false testimony with violence, threat, bribe and other methods.

A people's court shall fine and detain the person in charge with direct responsibility and other persons with direct responsibility if an entity has the above behavior; if a crime is constituted, his criminal responsibility shall be investigated. If an entity commits the crime, it shall be fined and the person in charge with direct responsibility and other persons with direct responsibility shall be punished in accordance with the provisions of the preceding paragraph.

95. Article 112: If the parties are involved in the malicious collusion and attempt to infringe upon the lawful rights and interests of others through litigation and mediation etc, the people's court shall dismiss the request, fine or detain him according to the seriousness; if a crime is constituted, his criminal responsibility shall be investigated.

96. Article 113: If the person subjected to execution has malicious collusion with others, and escape to perform the obligations specified in legal document through litigation, arbitration, mediation and other ways, the people's court shall fine or detain him according to the seriousness; if a crime is constituted, his criminal responsibility shall be investigated.

97. (C) INTERPRETATIONS OF THE SUPREME PEOPLE'S COURT ON APPLICATION OF THE CIVIL PROCEDURAL LAW OF THE PEOPLE'S REPUBLIC OF CHINA:

98. Article 189: If the Participants in the proceedings have the below behaviors with someone else, the people's court may apply the provisions of article 111 of the civil procedure law to deal with:

- (1) Pretend to be others to file or participate in litigation;
- (2) The witness makes false testimony and hinders the case of people's court after signing the guarantee, and
- (3) Forges, hides, destroys, or refuses to hand over important evidences about the performing ability of the person subjected to execution, and obstruct the people's court to find the status of property of the person subjected to execution.

99. Article 191: If an entity has the behavior of article 112 and 113 in the civil procedure law, the people's court shall make a fine on the entity, and fine or detain the person in charge with direct responsibility and other persons with direct responsibility; if a crime is constituted, his criminal responsibility shall be investigated.

100. (D) ADMINISTRATIVE PROCEDURE LAW OF THE PEOPLE'S REPUBLIC OF CHINA:

101. Article 59: If a participant in legal proceedings or any other person commits any of the following acts, the people's court may, according to the seriousness of his offense, reprimand him, order him to sign a statement of repentance or impose upon him a fine of not more than 10000 yuan or detain him for not longer than 15 days; if a crime is constituted, criminal responsibility shall be investigated according to law:

- (1) evading without reason, refusing to assist in or obstructing the execution of the notice of a people's court for assistance in its execution by a person who has the duty to render assistance;
- (2) forging, concealing or destroying evidence;
- (3) instigating, suborning or threatening others to commit perjury or hindering witnesses from giving testimony;

102. If an entity commits the crime, it shall be fined and the person in charge with direct responsibility and other persons with direct responsibility shall be punished in accordance with the provisions of the preceding paragraph. A fine or detention must be approved by the people's court. If the person is not satisfied, he can apply for reconsideration to the higher people's court. The carrying out shall not be suspended during the time of reconsideration.

103. (E) REGULATIONS OF THE PRC ON ADMINISTRATIVE PENALTIES FOR PUBLIC SECURITY:

104. Article 2: A person who disturbs public order, endangers public safety, infringes on the rights of person and property or hampers social administration, which is harmful to the society and which, according to the provisions of the Criminal Law of the People's Republic of China, constitutes a crime, shall be investigated for criminal responsibility according to law and if such an act is not serious enough for criminal punishment, the public security organ shall impose on him a penalty for administration of public security according to this Law.

105. Article 60: A person who commits one of the following acts shall be detained for not less than 5 days but not more than 10 days and shall, in addition, be fined not less 200 yuan but not more than 500 yuan:

- (1) hiding, transferring, selling off or destroying the property or thing of value distrained, sealed up or frozen by administrative law-enforcement organs according to law;
- (2) forging, concealing or destroying evidence, or providing false testimony or giving false information about a case, which affects the administrative law-enforcement organ in dealing with the case according to law.

106. It is important to note that the behavior of disrupting the public order, for example reporting false information generally does not constitute a crime. The administrative punishments shall be given according to the regulations of public security. But if the circumstances are severe and the action seriously disturbs social order, a crime may be constituted, such as the crime of fabricating false terrorism information.

107. **About foreigners, foreign companies with the above behavior, whether China has the jurisdiction:** Within China territory, foreigners and foreign companies shall abide by Chinese laws. Foreigners and foreign companies that violate the obligations of providing true evidence, provide the false evidence to public security, procuratorates, courts one time or

multiple times, or provide the false evidence to make others investigated for criminal responsibility shall be investigated if a crime is constituted, and bear the corresponding administrative liability, civil liability if a crime is not constituted. Criminal liability, administrative liability and civil liability cannot replace each other.

108. Whether China has jurisdiction on the illegal behavior of foreigners and foreign companies, the involved provisions are mainly as below:

109. (A) CRIMINAL LAW OF THE PEOPLE'S REPUBLIC OF CHINA:

110. Article 6: This Law shall be applicable to anyone who commits a crime within the territory and territorial waters and space of the People's Republic of China, except as otherwise specifically provided by law. This Law shall also be applicable to anyone who commits a crime on board a ship or aircraft of the People's Republic of China. If a criminal act or its consequence takes place within the territory or territorial waters or space of the People's Republic of China, the crime shall be deemed to have been committed within the territory and territorial waters and space of the People's Republic of China.

111. Article 8: This Law may apply to any foreigner who commits a crime outside the territory and territorial waters and space of the People's Republic of China against the State of the People's Republic of China or against any of its citizens, if for that crime this Law prescribes a minimum punishment of fixed-term imprisonment of not less than three years; however, this does not apply to a crime that is not punishable according to the laws of the place where it is committed.

112. (B) CRIMINAL PROCEDURE LAW OF THE PEOPLE'S REPUBLIC OF CHINA:

113. Article 16: Provisions of this Law shall apply to foreigners who commit crimes for which criminal responsibility should be investigated. If foreigners with diplomatic privileges and immunities commit crimes for which criminal responsibility should be investigated, these cases shall be resolved through diplomatic channels.

114. (C) GENERAL PRINCIPLES OF THE CIVIL LAW OF THE PEOPLE'S REPUBLIC OF CHINA:

115. Article 8: The law of the People's Republic of China shall apply to civil activities within the People's Republic of China, except as otherwise stipulated by law. The stipulation is

of this Law as regards citizens shall apply to foreigners and stateless persons within the People's Republic of China, except as otherwise stipulated by law.

116. (D) CIVIL PROCEDURE LAW OF THE PEOPLE'S REPUBLIC OF CHINA

117. Article 4: All those who involve in civil lawsuits within the territory of the People's Republic of China must abide by this Law.

118. Article 5: Foreign nationals, stateless persons, foreign enterprises, or organizations, which initiate or respond to lawsuits in people's courts, shall have the same litigation rights and obligations as the citizens, legal persons, or other organizations of the People's Republic of China. Should the courts of a foreign country impose restrictions on the civil litigation rights of the citizens, legal persons, or other organizations of the People's Republic of China, the people's courts of the People's Republic of China shall follow the principle of reciprocity regarding the civil litigation rights of the citizens, enterprises, or organizations of that foreign country.

119. (E) ADMINISTRATIVE PROCEDURE LAW OF THE PEOPLE'S REPUBLIC OF CHINA:

120. Article 98: This Law shall be applicable to foreign nationals, stateless persons and foreign organizations that are engaged in administrative suits in the People's Republic of China, except as otherwise provided for by law.

121. Article 99: Foreign nationals, stateless persons and foreign organizations that are engaged in administrative suits in the People's Republic of China shall have the same litigation rights and obligations as citizens and organizations of the People's Republic of China. Should the courts of a foreign country impose restrictions on the administrative litigation rights of the citizens and organizations of the People's Republic of China, the Chinese people's courts shall follow the principle of reciprocity regarding the administrative litigation rights of the citizens and organizations of that foreign country.

122. (F) REGULATIONS OF THE PRC ON ADMINISTRATIVE PENALTIES FOR PUBLIC SECURITY:

123. Article 4: This Law shall be applicable to acts committed against the administration of public security within the territory of the People's Republic of China, except where specially provided for by other laws. This Law shall be applicable to acts against the

administration of public security committed aboard ships or aircrafts of the People's Republic of China, except where specially provided by other laws.

124. Conclusion: As to a specific charge in the Criminal Law, punishment shall be made in accordance with the provisions of the Criminal Law. If it constitutes several crimes punishment shall be made on the basis of the principle of combined punishment for several crimes, see article 69 of Criminal Law, Part 1, General provisions, Chapter 4, The concrete application of punishment, Section 4, Principle of combined punishment for several crimes:

125. Article 69: For a criminal who commits several crimes before a judgment is pronounced, unless he is sentenced to death or life imprisonment, his term of punishment shall be not more than the total of the terms for all the crimes but not less than the longest of the terms for the crimes, depending on the circumstances of the crimes. However, the term of public surveillance may not exceed the maximum of three years, the term of criminal detention may not exceed the maximum of one year, and fixed-term imprisonment may not exceed the maximum of 20 years.

126. The person that infringes on the personal rights of others shall bear the corresponding civil liability.

127. If a victim has suffered economic losses as a result of a crime, the criminal shall in addition to receiving a criminal punishment according to law, be sentenced to making compensation for the economic losses in the light of the circumstances, see article 36 of Criminal Law, Part 1, General Provisions, Chapter 3, The Criminal Penalty, Section 1, Types of criminal penalty:

128. Article 36: If a victim has suffered economic losses as a result of a crime, the criminal shall, in addition to receiving a criminal punishment according to law, be sentenced to making compensation for the economic losses in the light of the circumstances.

129. **Lawyer's statement and promise:** The personal information and qualification provided are true, legitimate and effective. This affidavit is based on Chinese current effective laws and regulations, not involving the relevant laws of Hong Kong, Macao and Taiwan areas.

130. The crime constitution and concept etc. that this affidavit explained refers to public published criminal law books that are compiled by scholars of criminal law, including: The Punishment Law, Zhang Mingjie law press (the fifth edition in July 2016); The Punishment

Law, Editor-in-chief Chen Xingliang, Fudan university press (the third edition in January 2016); the Punishment Law, Editor-in-chief Chen Xingliang, Fudan university press Gao Mingxuan, Ma Kechang, Peking University press, higher education press (the seventh edition in January 2016) etc.

131. This affidavit only theoretically analyzes the relevant illegal or criminal behavior; in practice, to determine whether individuals constitute a crime or general law violation, what crime it constitutes, what kind of legal responsibility should be shouldered shall be comprehensively analyzed and judged based on specific facts, evidence, subjective intention and procedure problems etc.

132. China is a written-law system country with a huge legal system that contains complicated provisions. This affidavit mainly selects the main rules of constitution, part of basic law and judicial interpretation, analyzes civil rights, obligations and legal liability for breach of statutory obligations. This affidavit does not mention the administrative regulations, local regulations, autonomous regulations and separate regulations, the state council department regulations, local government rules and regulations.

133. The above is true and correct to the best of my knowledge and belief.

出具人：马利

Lawyer: Mali

律师

马利
2017.8.3

3. 出具人于 2006 年参加并通过中华人民共和国国家司法考试, 2007 年 2 月获得国家司法部颁发的《法律职业资格证书》, 证书编号: A20063301032557 (见附件一), 2007 年至 2008 年度在北京市博天律师事务所实习一年, 2008 年实习期满申请律师执业资格并获得执业许可, 取得律师执业证 (见附件二), 执业证号: 11101200811158314。律师执业证需每年进行年度考核备案, 2008 年-2016 年, 出具人均已通过年度考核和备案, 2016 年 5 月, 出具人 2015 年 6 月-2016 年 5 月年度的律师考核已完成, 考核结果为称职, 备案时间为: 2016 年 6 月-2017 年 5 月。

4. 出具人依法取得《法律职业资格证书》和《律师执业证》, 上述证件真实、合法、有效, 是出具人依法获准律师执业的有效证件。依据《律师法》第二章第十条的规定, 出具人在中国执业不受地域限制。出具人亦可代理中国各个级别法院管辖的各类刑、民商事案件或仲裁类案件等, 目前, 在中国并没有相关法律对律师代理不同级别法院管辖的案件设立限制或条件。

咨询和答复

5. 问题 1 : 中国公民、中国公司、外国人、外国公司等, 在中国报警、和/或提供公检法陈述、和/或提供公检法鉴定报告 (1 次和/或多次) 等, 中国相关法律、法规对所相关的中国公民、中国公司、外国人、外国公司等如何规定其必须遵守的具体准则和义务?

6. 问题 2 : 中国公民、中国公司、外国人、外国公司等, 在中国虚假报警、和/或提供公检法虚假陈述、和/或提供公检法虚假鉴定报告 (1 次和/或多次) 等,

意图使他人受刑事调查和/或受刑事追究甚至导致错误羁押等严重后果的，按照中国相关法律、法规，实施以上行为的中国公民、中国公司、外国人、外国公司在中国触犯哪些相关法律、法规条款以及对应的涉及刑事责任和民事责任等？

7.问题 1 答复：我国法律关于证据的规定和公民等提供证据时（包括向公安、检察院、法院提供证据和公安、检察院、法院向公民等调查取证时作证）应遵守的法律规定。

8.（A）《刑事诉讼法》

9. 第四十八条 可以用于证明案件事实的材料，都是证据。

证据包括：

- （一）物证；
- （二）书证；
- （三）证人证言；
- （四）被害人陈述；
- （五）犯罪嫌疑人、被告人供述和辩解；
- （六）鉴定意见；
- （七）勘验、检查、辨认、侦查实验等笔录；
- （八）视听资料、电子数据。

证据必须经过查证属实，才能作为定案的根据。

10.第五十二条 人民法院、人民检察院和公安机关有权向有关单位和个人收集、调取证据。有关单位和个人应当如实提供证据。行政机关在行政执法和查办案件过程中收集的物证、书证、视听资料、电子数据等证据材料，在刑事诉讼中

可以作为证据使用。对涉及国家秘密、商业秘密、个人隐私的证据，应当保密。

凡是伪造证据、隐匿证据或者毁灭证据的，无论属于何方，必须受法律追究。

11.第六十条 凡是知道案件情况的人，都有作证的义务。生理上、精神上有缺陷或者年幼，不能辨别是非、不能正确表达的人，不能作证人。

12.第一百一十八条 侦查人员在讯问犯罪嫌疑人的时候，应当首先讯问犯罪嫌疑人是否有犯罪行为，让他陈述有罪的情节或者无罪的辩解，然后向他提出问题。犯罪嫌疑人对侦查人员的提问，应当如实回答。但是对与本案无关的问题，有拒绝回答的权利。

13.第一百二十三条 询问证人，应当告知他应当如实地提供证据、证言和有意作伪证或者隐匿罪证要负的法律后果。

14.第一百三十五条 任何单位和个人，有义务按照人民检察院和公安机关的要求，交出可以证明犯罪嫌疑人有罪或者无罪的物证、书证、视听资料等证据。

15.第一百四十五条 鉴定人进行鉴定后，应当写出鉴定意见，并且签名。鉴定人故意作虚假鉴定的，应当承担法律责任。

16.第一百八十九条 证人作证，审判人员应当告知他要如实地提供证言和有意作伪证或者隐匿罪证要负的法律后果。公诉人、当事人和辩护人、诉讼代理人经审判长许可，可以对证人、鉴定人发问。审判长认为发问的内容与案件无关的时候，应当制止。审判人员可以询问证人、鉴定人。

17.(B)《民事诉讼法》

18.第六十三条 证据包括：

- (一) 当事人的陈述；
- (二) 书证；
- (三) 物证；
- (四) 视听资料；
- (五) 电子数据；
- (六) 证人证言；
- (七) 鉴定意见；
- (八) 勘验笔录。

证据必须查证属实，才能作为认定事实的根据。

19.第六十七条人民法院有权向有关单位和个人调查取证，有关单位和个人不得拒绝。

20.第七十二条凡是知道案件情况的单位和个人，都有义务出庭作证。有关单位的负责人应当支持证人作证。不能正确表达意思的人，不能作证。

21.(C)最高人民法院关于适用《中华人民共和国民事诉讼法》的解释

22.第一百一十九条 人民法院在证人出庭作证前应当告知其如实作证的义务以及作伪证的法律后果，并责令其签署保证书，但无民事行为能力人和限制民事行为能力人除外。证人签署保证书适用本解释关于当事人签署保证书的规定。

23.(D)《行政诉讼法》

24.第三十三条 证据包括：

- (一) 书证；

- (二)物证；
- (三)视听资料；
- (四)电子数据；
- (五)证人证言；
- (六)当事人的陈述；
- (七)鉴定意见；
- (八)勘验笔录、现场笔录。

以上证据经法庭审查属实，才能作为认定案件事实的根据。

25.第四十条人民法院有权向有关行政机关以及其他组织、公民调取证据。

26.(E)《最高人民法院关于行政诉讼证据若干问题的规定》

27.第四十一条 凡是知道案件事实的人，都有出庭作证的义务。

28.第四十五条 证人出庭作证时，应当出示证明其身份的证件。法庭应当告知其诚实作证的法律责任和作伪证的法律责任。

29.第四十七条 当事人要求鉴定人出庭接受询问的，鉴定人应当出庭。鉴定人因正当事由不能出庭的，经法庭准许，可以不出庭，由当事人对其书面鉴定结论进行质证。鉴定人不能出庭的正当事由，参照本规定第四十一条的规定。对于出庭接受询问的鉴定人，法庭应当核实其身份、与当事人及案件的关系，并告知鉴定人如实说明鉴定情况的法律责任和故意作虚假说明的法律责任。

30.问题 2 的答复:公民等违反如实提供证据的法律规定，一次或多次向公安、检察院、法院提供虚假证据（不论主动提交或接受调查时提交），意图使他人受到刑事追究的，属于侵犯公民的人身权利和妨害正常的司法活动的行为，该行为涉

嫌构成《刑法》规定的罪名及应承担的刑事责任。

31.中国领域内，行为人向公安、检察院或法院提供虚假陈述或提供虚假鉴定报告，只要是属于虚构犯罪事实、伪造证据的行为，并向公安机关、司法机关等告发，意图使他人受到刑事追究，该行为足以或已经引起公安、司法等机关刑事追究活动（包括但不限于刑事立案、侦查、刑事拘留、逮捕、起诉、审判等），涉嫌构成我国《刑法》规定的诬告陷害罪。

32.中国领域内，行为人向公安、检察院或法院提供虚假陈述或提供虚假鉴定报告，只要是在刑事诉讼中，证人、鉴定人等对与案件有重要关系的情节，故意作虚假证明、鉴定等，意图陷害他人或者隐匿罪证的行为，涉嫌构成我国《刑法》规定的伪证罪。

33.行为人虽没有使他人受到刑事追究的意图，但有提供虚假证据的行为，妨害了我国司法正常活动，涉嫌构成我国《刑法》规定的妨害作证罪，帮助毁灭、伪造证据罪，虚假诉讼罪，辩护人、诉讼代理人毁灭证据、伪造证据、妨害作证罪。

34.上述罪名解释、《刑法》条文和承担的刑事责任。

35.诬告陷害罪:《刑法》条文和诬告陷害罪的处罚:《刑法》第二编分则第四章侵犯公民人身权利、民主权利罪

36.第二百四十三条 捏造事实诬告陷害他人，意图使他人受刑事追究，情节严重的，处三年以下有期徒刑、拘役或者管制；造成严重后果的，处三年以上十年以下有期徒刑。

37.诬告陷害罪概念：诬告陷害罪，是指故意捏造犯罪事实，向公安、司法等国家机关或有关单位告发，意图使他人受刑事追究，情节严重的行为。

38.诬告陷害罪的犯罪构成：本罪侵犯的客体：本罪侵犯的客体是公民的人身权利和司法机关的正常活动。如果捏造事实，伪造证据，作虚假检举或揭发，就可能使被诬陷者受到错误的侦查、审判或判刑。因此，这种犯罪不仅侵犯公民的人身权利，使无辜者的名誉受到损害，而且可能导致错捕、错判，甚至错杀的严重后果，造成冤假错案，干扰司法机关的正常活动，破坏司法机关的威信。所以我国《宪法》第38条、《刑法》第243条明确规定，禁止任何方法对公民进行诬告陷害。虽然本罪可能同时侵犯公民的人身权利和司法机关的正常活动，但本罪更强调或主要保护公民的人身权利，故我国刑法将该罪置于《刑法》第二编分则第四章侵犯公民人身权利、民主权利罪一章中，而没有将该罪规定在《刑法》第二编分则第六章第二节的“妨害司法罪”中。

39.本罪的客观方面：表现为捏造事实，作虚假告发的行为。首先，必须具有捏造犯罪事实的行为，捏造一般违纪、违法事实的不构成本罪。所谓捏造是指无中生有，虚构他人的犯罪事实，凭空捏造的犯罪事实，其共同点是违背客观真实捏造虚假犯罪事实。其次，必须具有告发行为，即向有关国家机关或有关单位告发，或采取其他方式足以引起公安、司法机关刑事追究活动。告发方式多种多样，如口头的、书面的、署名、匿名的，可以向公安、司法机关告发，也可以是向有关单位或有关人员告发。只要告发的虚假内容和告发方式足以引起公安、司法机关等机关的刑事追究活动（包括但不限于刑事拘留、逮捕、刑事立案、侦查、起诉、审判等），就应当认定为情节严重；不足以引起刑事追究活动的诬告，应视为

情节轻微，不以犯罪论处。

40.本罪的行为对象是他人，即某一特定、具体、真实存在的自然人，如果没有具体对象，无法导致司法机关进行刑事追究，也不会侵犯任何人的的人身权利。但所谓特定对象并不要求对其明确姓名等详细细节，只要行为人已经以某种方式足以使司法机关确认某一特定对象，即符合本罪要求。

41.本罪的主体是一般主体。只要达到法定责任年龄，并且具有刑事责任能力的人，就可成为本罪的主体。但是，如果是国家工作人员犯本罪，要从重处罚。

42.本罪的主观要件为故意，行为人明知自己所告发的是虚假的犯罪事实，明知诬告陷害行为会发生侵犯他人人身权利的结果，并且希望或者放任这种结果的发生。同时必须具有使他人受到刑事追究的目的（意图），但不要求将该目的作为其行为的唯一目的或主要目的，只要行为人存在该目的即可。“意图使他人受到刑事追究”，不等同于意图使他人受到刑事处罚。行为人虽然明知自己的行为不可能使他人受到刑事处罚，但明知自己的行为会使他人被刑事拘留、逮捕等，意图使他人成为犯罪嫌疑人而被立案侦查的，也应认定为“意图使他人受到刑事追究”。

43.以下涉及的罪名均规定在《刑法》第二编分则 第六章 妨害社会管理秩序罪 第二节妨害司法罪这一章节中，即第 305 条至 307 条。

44.伪证罪：《刑法》条文和伪证罪的处罚

45.第三百零五条 在刑事诉讼中，证人、鉴定人、记录人、翻译人对与案件有重要关系的情节，故意作虚假证明、鉴定、记录、翻译，意图陷害他人或者隐匿罪证的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下

有期徒刑。

46.伪证罪概念：在刑事诉讼中，证人、鉴定人、记录人、翻译人对与案件有重要关系的情节，故意作虚假证明、鉴定、记录、翻译，意图陷害他人或者隐匿罪证的行为，构成伪证罪。

47.伪证罪的犯罪构成：本罪的客体是国家司法机关的正常活动。本罪虽可能同时侵犯司法机关的正常活动和公民的人身权利，但本罪更强调或主要保护司法机关的正常工作秩序。

48.本罪在客观方面主要表现为行为人在刑事诉讼中，对与案件有重要关系的情节，故意作虚假证明、鉴定、记录、翻译的行为。行为的方式有四种，即作虚假的证明、鉴定、记录、翻译，所谓虚假，是指无中生有，虚构犯罪事实或者伪造证据，或者掩盖事实真相，将应当提供或反映的事实不提供，不反映。“虚假”一般包括两种情况：一是捏造或者夸大事实以陷人入罪；二是掩盖或者缩小事实以开脱罪责。伪证行为的方式没有限制，如在口头陈述中作虚假陈述，在文字鉴定中作虚假鉴定，不记录或擅自增添重要事实，删除录音录像中记录的重要事实，在笔译或口译中作虚假翻译等等。行为所针对的必须是对与案件有重要关系的情节而作虚假的证明、鉴定、记录、翻译，这里的案件仅限于刑事案件。与案件有重要关系的情节，是指对案件结论有影响的情节及对是否构成犯罪、犯罪的性质、罪行的轻重、量刑的轻重具有重要关系的情节。伪证行为只要足以影响案件结论即可，不要求实际上影响了案件结论。行为发生的时间必须是在刑事诉讼中，即从侦查机关立案、侦查、起诉、一审、二审，到法院审判终结的过程中（公诉案件），或者从自诉人提起自诉到法院审判终结的过程中（自诉案件）。

49.本罪的主体是特殊主体，只能是刑事诉讼中的证人，鉴定人、记录人、翻译人。行为主体的证人是否包括被害人，目前理论界对此存有争议。出具人认为行为主体的证人应当包括被害人，被害人陈述与证人证言都属于证据，被害人完全可能做虚假陈述，这种行为也具有妨害司法客观公正的危险性。

50.本罪在主观方面必须出于故意，还要求有陷害他人或隐匿罪证的意图。不过，只要行为人明知自己作了虚假陈述，就可以认定其具有上述意图。证人因记忆不清作了与事实不相符合的证明、鉴定人因技术不高作了错误鉴定、记录人因粗心大意错记、漏记、翻译人因水平较低而错译漏译的，均不成立本罪。

51.妨害作证罪：刑法条文和处罚

52.第三百零七条第一款 以暴力、威胁、贿买等方法阻止证人作证或者指使他人作伪证的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。第三款 司法工作人员犯前两款罪的，从重处罚。

53.概念：妨害作证罪，是指以暴力、威胁、贿买等方法阻止证人作证或者指使他人作伪证的行为。

54.犯罪构成：本罪的客体是国家司法机关的正常诉讼活动。本罪的客观方面表现为行为以暴力、威胁、贿买等方法阻止证人作证或者指使他人作伪证的行为。行为发生的场合是在诉讼过程中或者诉讼过程之外，而且此处诉讼既包括刑事诉讼、又包括民事、行政诉讼。本罪的主体为一般主体。本罪的主观方面为故意。

55.帮助毁灭、伪造证据罪：刑法条文和处罚

56.第三百零七条第二款帮助当事人毁灭、伪造证据，情节严重的，处三年以下有期徒刑或者拘役。第三款 司法工作人员犯前两款罪的，从重处罚。

57.概念：帮助毁灭、伪造证据罪，是指帮助当事人毁灭、伪造证据，情节严重的行为。

58.犯罪构成：本罪的客体是国家司法机关的正常活动。本罪的客观方面表现为行为人实施了帮助当事人毁灭、伪造证据，情节严重的行为。这里的当事人，不仅指刑事诉讼中的当事人，也包括民事诉讼和行政诉讼中的当事人。本罪的主体是一般主体。本罪的主观方面为故意。

59.虚假诉讼罪（根据《刑法修正案》（九）第三十五增设）刑法条文和处罚

60.第三百零七条之一 “以捏造的事实提起民事诉讼，妨害司法秩序或者严重侵害他人合法权益的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

61. “单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

62.概念：虚假诉讼罪，是指以捏造的事实提起民事诉讼，妨害司法秩序或严重侵害他人合法权益的行为。

63.犯罪构成：本罪的客体是国家司法机关的正常活动，同时也侵犯他人的财产等合法权益。本罪在客观方面表现出为行为人以捏造的事实提起民事诉讼，并造成了妨害司法秩序或严重侵犯他人合法权益的后果。本罪的主体是一般主体。单位也可以成为本罪的主体。本罪的主观方面是故意。

64.辩护人、诉讼代理人毁灭证据、伪造证据、妨害作证罪刑法条文和处罚

65.第三百零六条 在刑事诉讼中，辩护人、诉讼代理人毁灭、伪造证据，帮助当事人毁灭、伪造证据，威胁、引诱证人违背事实改变证言或者作伪证的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

辩护人、诉讼代理人提供、出示、引用的证人证言或者其他证据失实，不是有意伪造的，不属于伪造证据。

66.概念：辩护人、诉讼代理人毁灭证据、伪造证据、妨害作证罪，是指在刑事诉讼中，辩护人、诉讼代理人毁灭、伪造证据，帮助当事人毁灭、伪造证据，威胁、引诱证人违背事实改变证言或者作伪证的行为。

67.犯罪构成：本罪的客体是司法机关的正常刑事诉讼活动。本罪客观方面表现为三种情形：毁灭、伪造证据；帮助当事人毁灭、伪造证据；威胁、引诱证人违背事实改变证言或者作伪证。本罪的主体为特殊主体，即只能是辩护人、诉讼代理人。本罪的主观方面为故意。

68.关于犯罪构成的共同要件，四要件说是我国刑法界普遍接受的观点，根据我国刑法，任何一种犯罪的成立都必须具备四个方面的构成要件，即犯罪客体、犯罪客观方面、犯罪主体和犯罪的主观方面这四个共同要件。犯罪客体，指刑法所保护的被犯罪所侵害的社会关系；犯罪的客观方面，是指刑法所规定的，构成犯罪在客观上必须具备的危害社会的行为和由这种行为所引的危害社会的结果；犯罪主体，指实施了犯罪行为，依法应当承担刑事责任的人，包括自然人和单位，犯罪的主观要件，是指犯罪主体对自己实施的危害社会行为及其结果所持的心理态度。

69.公民等违反如实提供证据的义务，一次或多次向公安等机关提供虚假证

据，虚构或捏造犯罪事实，作虚假举报，致使被诬陷者受到错误的刑事调查，长期被错误羁押，丧失人身自由，侵害无辜者的人身自由权、人格尊严权和名誉权等，应承担相应的民事责任，承担民事责任的方式一般有恢复名誉，消除影响，赔礼道歉，赔偿损失，被侵权人并可要求精神损害赔偿。

70.我国《宪法》、《民法通则》等关于人身权利应受法律保护的规定，以及应承担相应的民事责任，承担民事责任的方式法律规定如下：

71.(A)《宪法》

72.第三十七条第1款和第3款 中华人民共和国公民的人身自由不受侵犯。禁止非法拘禁和以其他方法非法剥夺或者限制公民的人身自由，禁止非法搜查公民的身体。

73.第三十八条 中华人民共和国公民的人格尊严不受侵犯。禁止用任何方法对公民进行侮辱、诽谤和诬告陷害。

74.第五十一条 中华人民共和国公民在行使自由和权利的时候，不得损害国家的、社会的、集体的利益和其他公民的合法的自由和权利。

75.(B)《民法通则》

76.第五条 公民、法人的合法的民事权益受法律保护，任何组织和个人不得侵犯。

77.第一百零一条 公民、法人享有名誉权，公民的人格尊严受法律保护，禁止用侮辱、诽谤等方式损害公民、法人的名誉。非法侵害他人人身权利应承担的民事责任、承担民事责任的方式相关规定

78.第一百二十条公民的姓名权、肖像权、名誉权、荣誉权受到侵害的，有权要求停止侵害，恢复名誉，消除影响，赔礼道歉，并可以要求赔偿损失。

79.第一百一十条 对承担民事责任的公民、法人需要追究行政责任的，应当追究行政责任；构成犯罪的，对公民、法人的法定代表人应当依法追究刑事责任。

80.第一百三十四条 承担民事责任的方式主要有：

- （一）停止侵害；
- （二）排除妨碍；
- （三）消除危险；
- （四）返还财产；
- （五）恢复原状；
- （六）修理、重作、更换；
- （七）赔偿损失；
- （八）支付违约金；
- （九）消除影响、恢复名誉；
- （十）赔礼道歉。

以上承担民事责任的方式，可以单独适用，也可以合并适用。

81.人民法院审理民事案件，除适用上述规定外，还可以予以训诫、责令具结悔过、收缴进行非法活动的财物和非法所得，并可以依照法律规定处以罚款、

拘留。

82. (C) 《最高人民法院关于确定民事侵权精神损害赔偿若干问题的解释》

83.第一条 自然人因下列人格权利遭受非法侵害，向人民法院起诉请求赔偿精神损害的，人民法院应当依法予以受理：

- (一) 生命权、健康权、身体权；
- (二) 姓名权、肖像权、名誉权、荣誉权；
- (三) 人格尊严权、人身自由权。

法人的名称权、名誉权、荣誉权受到侵害的，适用前款规定。

84.公民等违反如实提供证据的义务，向公安、检察院、法院提供虚假证据（不论主动提交或接受调查时提交），属于提供虚假证据，妨害司法正常活动的行为，现将我国《刑法》、《行政诉讼法》、《民事诉讼法》等法律对该犯罪或违法行为应承担的法律责任（包括但不限于刑事责任、行政责任、司法拘留、罚款等）主要条文总结如下：

85.(A) 《刑法》

86.第二编分则 第四章侵犯公民人身权利、民主权利罪

87.第二百四十三条 捏造事实诬告陷害他人，意图使他人受刑事追究，情节严重的，处三年以下有期徒刑、拘役或者管制；造成严重后果的，处三年以上十年以下有期徒刑。

88.第二编分则 第六章 妨害社会管理秩序罪 第二节 妨害司法罪

89.第三百零五条 在刑事诉讼中，证人、鉴定人、记录人、翻译人对与案件有重要关系的情节，故意作虚假证明、鉴定、记录、翻译，意图陷害他人或者隐匿罪证的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

90.第三百零七条 以暴力、威胁、贿买等方法阻止证人作证或者指使他人作伪证的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。帮助当事人毁灭、伪造证据，情节严重的，处三年以下有期徒刑或者拘役。司法工作人员犯前两款罪的，从重处罚。

91.第三百零七条之一 “以捏造的事实提起民事诉讼，妨害司法秩序或者严重侵害他人合法权益的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。”单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

92.第三百零六条 在刑事诉讼中，辩护人、诉讼代理人毁灭、伪造证据，帮助当事人毁灭、伪造证据，威胁、引诱证人违背事实改变证言或者作伪证的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

辩护人、诉讼代理人提供、出示、引用的证人证言或者其他证据失实，不是有意伪造的，不属于伪造证据。

93.(B)《民事诉讼法》

94.第一百一十一条 诉讼参与人或者其他人有下列行为之一的，人民法院可以

根据情节轻重予以罚款、拘留；构成犯罪的，依法追究刑事责任：

（一）伪造、毁灭重要证据，妨碍人民法院审理案件的；

（二）以暴力、威胁、贿买方法阻止证人作证或者指使、贿买、胁迫他人作伪证的；

人民法院对有前款规定的行为之一的单位，可以对其主要负责人或者直接责任人员予以罚款、拘留；构成犯罪的，依法追究刑事责任。

95.第一百一十二条当事人之间恶意串通，企图通过诉讼、调解等方式侵害他人合法权益的，人民法院应当驳回其请求，并根据情节轻重予以罚款、拘留；构成犯罪的，依法追究刑事责任。

96.第一百一十三条被执行人与他人恶意串通，通过诉讼、仲裁、调解等方式逃避履行法律文书确定的义务的，人民法院应当根据情节轻重予以罚款、拘留；构成犯罪的，依法追究刑事责任。

97.(C)最高人民法院关于适用《中华人民共和国民事诉讼法》的解释

98.第一百八十九条 诉讼参与人或者其他有下列行为之一的，人民法院可以适用民事诉讼法第一百一十一条的规定处理：

（一）冒充他人提起诉讼或者参加诉讼的；

（二）证人签署保证书后作虚假证言，妨碍人民法院审理案件的；

（三）伪造、隐藏、毁灭或者拒绝交出有关被执行人履行能力的重要证据，妨碍人民法院查明被执行人财产状况的；

99.第一百九十一条 单位有民事诉讼法第一百一十二条或者第一百一十三条规定行为的，人民法院应当对该单位进行罚款，并可以对其主要负责人或者直接责任人员予以罚款、拘留；构成犯罪的，依法追究刑事责任。

100.(D)《行政诉讼法》

101.第五十九条 诉讼参与人或者其他有下列行为之一的，人民法院可以根据情节轻重，予以训诫、责令具结悔过或者处一万元以下的罚款、十五日以下的拘留；构成犯罪的，依法追究刑事责任：

（一）有义务协助调查、执行的人，对人民法院的协助调查决定、协助执行通知书，无故推拖、拒绝或者妨碍调查、执行的；

（二）伪造、隐藏、毁灭证据或者提供虚假证明材料，妨碍人民法院审理案件的；

（三）指使、贿买、胁迫他人作伪证或者威胁、阻止证人作证的；

102.人民法院对有前款规定的行为之一的单位，可以对其主要负责人或者直接责任人员依照前款规定予以罚款、拘留；构成犯罪的，依法追究刑事责任。

罚款、拘留须经人民法院院长批准。当事人不服的，可以向上一级人民法院申请复议一次。复议期间不停止执行。

103.(E)《治安管理处罚法》

104.第二条 扰乱公共秩序，妨害公共安全，侵犯人身权利、财产权利，妨害社会管理，具有社会危害性，依照《中华人民共和国刑法》的规定构成犯罪的，依法追究刑事责任；尚不够刑事处罚的，由公安机关依照《治安管理处罚法》给予治安管理处罚。

105.第六十条 有下列行为之一的，处五日以上十日以下拘留，并处二百元以上五百元以下罚款：

(1)隐藏、转移、变卖或者损毁行政执法机关依法扣押、查封、冻结的财物的；

(2)伪造、隐匿、毁灭证据或者提供虚假证言、谎报案情，影响行政执法机关依法办案的;

106.需要说明的是，对于虚假报警、谎报警情扰乱公共秩序的行为，一般不构成犯罪，可以依据《治安管理处罚法》给予行政处罚。但行为人具有其他情节，严重扰乱社会秩序的，可能会构成犯罪，例如编造虚假恐怖信息罪等。

107.关于外国人、外国公司上述行为，中国是否具有管辖的问题:在中国领域内，外国人、外国公司应当遵守中国的法律。外国人、外国公司违反如实提供证据的义务，一次或多次向公安、检察院、法院提供虚假的证据，或提供虚假的证据并意图使他人受到刑事追究的行为的，构成犯罪的，依法追究刑事责任，不构成犯罪的，依法承担相应的行政责任、民事责任等。需要说明的是，刑事责任、行政责任和民事责任之间不能相互替代。

108.外国人、外国公司的违法行为在中国是否有管辖的问题，主要涉及的法条有：

109.(A)《刑法》

110.第六条 凡在中华人民共和国领域内犯罪的，除法律有特别规定的以外，都适用本法。 凡在中华人民共和国船舶或者航空器内犯罪的，也适用本法。 犯罪的行为或者结果有一项发生在中华人民共和国领域内的，就认为是在中华人民共和国领域内犯罪。

111.第八条 外国人在中华人民共和国领域外对中华人民共和国国家或者公民犯罪，而按本法规定的最低刑为三年以上有期徒刑的，可以适用本法，但是按照犯罪地的法律不受处罚的除外。

112.(B)《刑事诉讼法》

113.第十六条 对于外国人犯罪应当追究刑事责任的，适用本法的规定。对于享有外交特权和豁免权的外国人犯罪应当追究刑事责任的，通过外交途径解决。

114.(C)《民法通则》

115.第八条 在中华人民共和国领域内的民事活动，适用中华人民共和国法律，法律另有规定的除外。本法关于公民的规定，适用于在中华人民共和国领域内的外国人、无国籍人，法律另有规定的除外。

116.(D)《民事诉讼法》

117.第四条凡在中华人民共和国领域内进行民事诉讼，必须遵守本法。

118.第五条外国人、无国籍人、外国企业和组织在人民法院起诉、应诉，同中华人民共和国公民、法人和其他组织有同等的诉讼权利义务。

外国法院对中华人民共和国公民、法人和其他组织的民事诉讼权利加以限制的，中华人民共和国人民法院对该国公民、企业和组织的民事诉讼权利，实行对等原则。

119.(E)《行政诉讼法》

120.第九十八条 外国人、无国籍人、外国组织在中华人民共和国进行行政诉讼，适用本法。法律另有规定的除外。

121.第九十九条 外国人、无国籍人、外国组织在中华人民共和国进行行政诉讼，同中华人民共和国公民、组织有同等的诉讼权利和义务。 外国法院对中华人民共和国公民、组织的行政诉讼权利加以限制的，人民法院对该国公民、组织的行政诉讼权利，实行对等原则。

122.(F)《中华人民共和国治安管理处罚法》

123.第四条 在中华人民共和国领域内发生的违反治安管理行为，除法律有特别规定的外，适用本法。在中华人民共和国船舶和航空器内发生的违反治安管理行为，除法律有特别规定的外，适用本法。

124.总结:对于构成《刑法》规定的某一具体罪名，依照《刑法》关于该罪名的处罚规定进行处罚。构成数罪的，依据数罪并罚的原则进行处罚（见《刑法》第六十九条）。

125.《刑法》第一编总则 第四章刑罚的具体运用 第四节数罪并罚 第六十九条:判决宣告以前一人犯数罪的，除判处死刑和无期徒刑的以外，应当在总和刑期以下、数刑中最高刑期以上，酌情决定执行的刑期，但是管制最高不能超过三年，拘役最高不能超过一年，有期徒刑总和刑期不满三十五年的，最高不能超过二十年，总和刑期在三十五年以上的，最高不能超过二十五年。

126.侵权人因同一行为应当承担行政责任或者刑事责任的，不影响依法承担侵权责任。

127.由于犯罪行为而使被害人遭受经济损失的，对犯罪分子除依法给予刑事处罚外，并应根据情况判处赔偿经济损失。（见《刑法》第三十六条）

128.《刑法》第一编总则 第三章刑罚 第一节刑罚的种类 第三十六条:由于犯罪行为而使被害人遭受经济损失的，对犯罪分子除依法给予刑事处罚外，并应根据情况判处赔偿经济损失。

129.出具人声明和承诺:出具人所提供的个人信息和资质真实、合法、有效。

本函均依据中国大陆现行有效的法律规定出具，不涉及港、澳、台地区的相关法律。

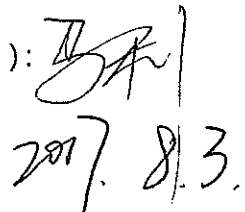
130.本函所阐述的犯罪构成、概念等参照了我国公开发行的刑法学者编著的刑法学书籍，具体包括：《刑法学》张明楷著，法律出版社（2016年7月第五版）；《刑法学》陈兴良主编，复旦大学出版社（2016年1月第三版）；《刑法学》高铭暄、马克昌主编，北京大学出版社、高等教育出版社（2016年1月第七版）等；

131.本函仅在理论上对所涉及的违法或犯罪行为进行分析，实务中，确定行为人的是否构成犯罪或一般违法，构成何罪，承担什么样的法律责任，均需要根据案件的具体事实、证据、主观意图、程序问题等具体在案件中综合进行分析和判断；

132.中国是成文法系国家，法律体系十分庞大，包含的条文纷繁复杂，本函主要是选取宪法、部分基本法律和司法解释的主要规定，分析说明问题中涉及到的公民等权利、义务及违反法定的义务应当承担的法律责任，未提及我国行政法规、地方性法规、自治条例和单行条例、国务院部门规章、地方政府规章等规定。

133.以上内容为出具人尽其所能所出具的真实准确的法律声明函。

出具人（签字）：

Handwritten signature and date "2017. 8. 3." in black ink.

附件

附件一：法律职业资格证书

附件二：律师执业证

APPENDIX 1

中华人民共和国 法律职业资格证书

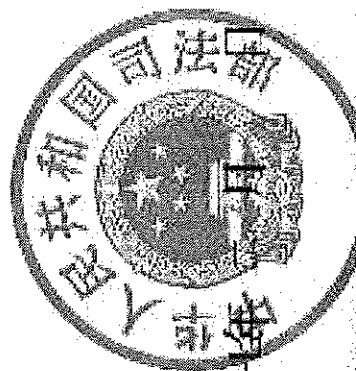
马利 经国家司法考试合格，授予法律

职业资格。特颁此证。

中华人民共和国司法部

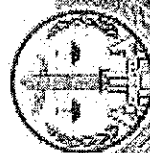
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吴爱英



颁证日期：二〇〇一年

证书编号：A20063301032557

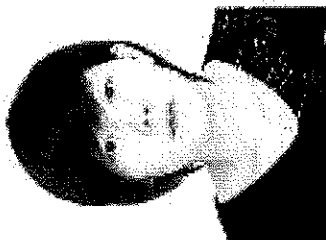


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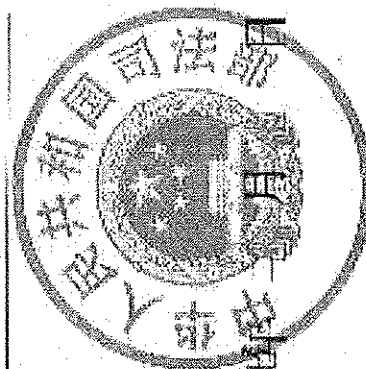
卷之四

[illegible]

马利 经国家司法考试合格，授予法律职业资格。特颁此证。



姓名：马利 性别：女
出生：1978年12月25日 民族：汉族
所在地：北京市
身份证号：610502197812266425
证书编号：A 20063301032557



颁证日期：2006年12月

中华人民共和国司法部

部长：吴俊英

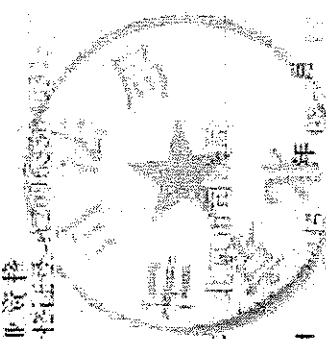
执业机构 北京市中星通律师事务所

图

执业证类别 律师

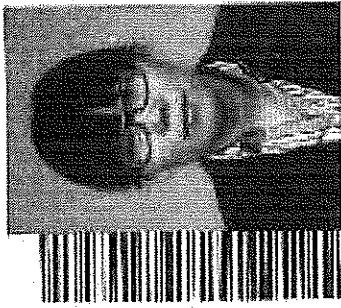
执业证号 1101020051100326

法律职业资格考试
或律师资格考试合格



发证机关

发证日期



MA LIANG 1101020051100326

持证人 马良

性别 女

身份证号 610522197812200412

本证为持证人员依法获得律师执业
资格证明。持证人执业应当遵守本
法，恪守职业道德和执业纪律，不得有损单位、个人声誉
和利益。



中华人民共和国 律师执业证

Lawyer's License
People's Republic of China

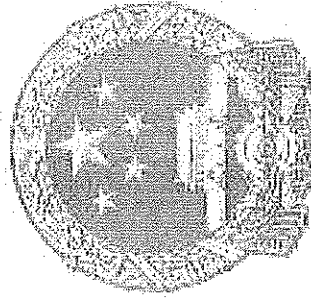
中华人民共和国司法部

中华人民共和国司法部监制

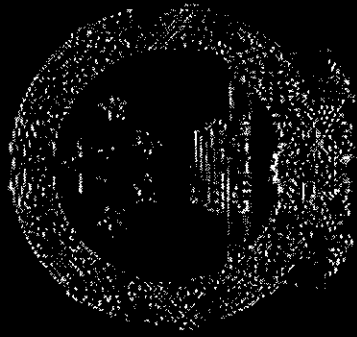
持证人须知

- 一、法律职业资格证书是证书持有人通过国家司法考试，具有申请从事法律职业资格资格证明。
- 二、法律职业资格证书正本和副本具有同等效力。持证人应当妥善保管，不得涂改、出借、出租和转让。
- 三、法律职业资格证书遗失、毁损影响使用时，可向证书发放地（市）的司法局申请补发或更新证书。
- 四、尚未从事法律职业的证书持有人应当自每年第一季度内，持法律职业资格证书副本到证书发放地（市）的司法局办理年度备案。
- 五、已经从事法律职业的证书持有人应当在职业变更后30日内，持法律职业资格证书副本到证书发放地（市）的司法局办理变更备案。

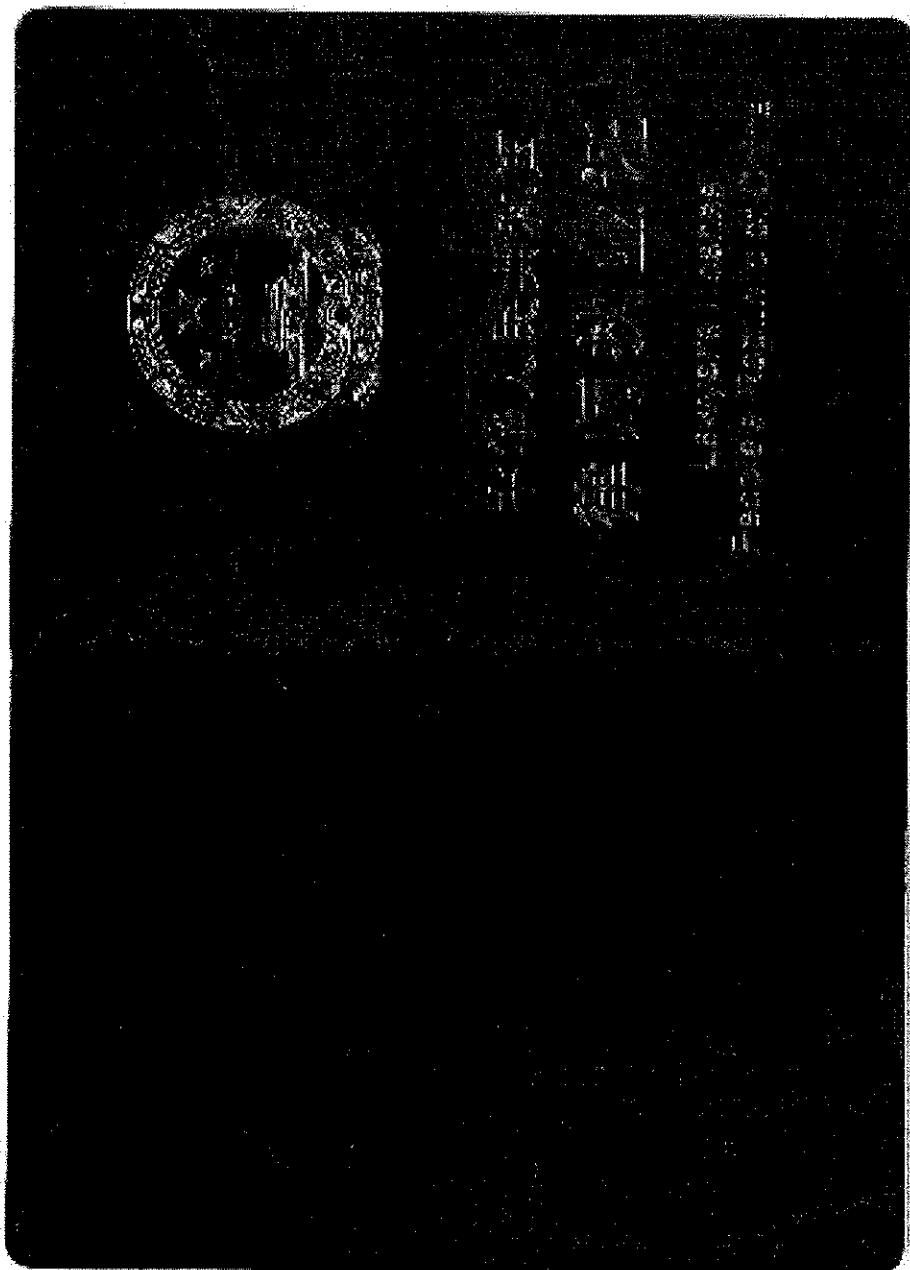
中华人民共和国
法律职业资格证书
(副本)



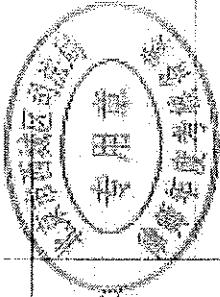
中华人民共和国司法部




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律师年度考核备案

考核年度	二〇一六年度		
考核结果	称 职		
备案机关			
备案日期	2016年6月 - 2017年5月		

律师年度考核备案

考核年度	二〇一六年度		
考核结果	称 职		
备案机关			
备案日期	2016年6月 - 2017年5月		